

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13829, of Ernest L. Fear, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-sections 3303.1 and 7615.2), the rear yard requirements (Sub-section 3304.1) and 7615.3) the front yard requirements (Sub-section 7615.3) and the size of parking space requirements (Sub-section 7204.1) for a proposed conversion of a two story coach house, now an accessory structure, into a single family dwelling using theoretical lot lines in an R-5-B District at the premises rear 217 C Street, N. E., (Square 757, Lot 849).

HEARING DATE: October 13, 1982

DECISION DATE: November 3, 1982

FINDINGS OF FACT:

1. The Capitol Hill Restoration Society, by statement received on October 12, 1982, requested the Board to postpone the hearing on the application. The Society noted that the listing of all property owners within 200 feet, submitted by the applicant, is incomplete since it does not include the owners of property in the Justice Court condominium which adjoins the subject property. The applicant received the list of names and addresses from the records of the Department of Finance and Revenue, the best available city records. Furthermore, a majority of the owners of the condominium units had actual notice of the application. The Chairman ruled that proper, adequate notice had been given and that the hearing would go forward.

2. The subject property is located in an R-5-B District on the south side of C Street between 2nd and 3rd Streets, N. E.

3. The subject property is rectangular in shape. It is 20.58 feet wide and 100 feet deep, and has an area of 2,058 square feet.

4. The subject property is improved with a two-story brick dwelling at the front. There is also a two-story carriage house at the rear of the lot. There is a ten foot wide public alley adjacent to the carriage house.

5. The applicant proposes to renovate the existing carriage house. The garage on the first floor would be relocated to the west side of the building. A cinder block wall would be constructed down the middle of the first floor.

The remaining portion of the first floor and all of the second floor would be used as a dwelling. The kitchen would be on the first floor, and the living/bedroom and bathroom would be on the second floor.

6. To accomplish the proposed renovation, the applicant requests permission to divide the existing lot into two theoretical building sites under Section 7615.

7. Both the carriage house and the front dwelling were constructed prior to the enactment of the existing Zoning Regulations.

8. The theoretical building site for the front building, known as 217 C Street, N. E., would comprise the front seventy-nine feet of the entire lot. This site would have an area of 1625.82 square feet and a width of 20.58 feet.

9. The front building site would comply with all the requirements of the Zoning Regulations except for lot occupancy. The maximum permitted percentage of lot occupancy is sixty, or 975.49 square feet for the subject site. The existing building occupies 1282.96 square feet. A variance of 307.47 square feet is thus required.

10. The theoretical building site for the carriage house, to be known as rear 217 C Street, N. E., would comprise the rear twenty-one feet of the entire lot. This site would have an area of 432.18 square feet, and a width of 20.58 feet.

11. The carriage house site would have a maximum permitted building area of 259.31 square feet. The existing building occupies 349.86 square feet. A variance of 90.55 square feet from the lot occupancy limitations is thus required.

12. The carriage house is now located directly adjacent to the rear lot line. It thus has no rear yard. A rear yard of fifteen feet is required. The applicant thus seeks a variance of the full fifteen feet.

13. When a theoretical building site created under Section 7615 has no street frontage, a front yard must be provided which is equivalent to the required rear yard. A front yard of only four feet is proposed. Since fifteen feet is required, a variance of eleven feet is requested.

14. The carriage house will include a parking space measuring 9.67 feet wide by 15.75 feet long. The Zoning Regulations require that a parking space be at least nine feet by nineteen feet. The applicant thus seeks a variance of 3.25 feet on the length of the space.

15. The existing carriage house is suitable for use as a dwelling, given its type of construction and height of stories.

16. In an R-5-B District, the property could be used for a flat or a multiple dwelling.

17. Because the carriage house is an accessory building, it cannot be used as a dwelling without approval of variances. If the carriage house were to be connected to the main building, variances from the lot occupancy and rear yard requirements would still be required.

18. The density resulting from this application would be no more than would be permitted on the entire site as a matter-of-right.

19. The renovations and construction proposed do not increase the lot occupancy or decrease any existing yards.

20. The size of the parking space in the carriage house is limited by the size of the building itself. A space meeting the size requirements of the regulations would not fit in this building. The space is large enough to accommodate most cars.

21. Access to the carriage house will be from both the public alley and from the rear of the front dwelling. Because the carriage house is located at the intersection of two alleys and because of the new construction on the alley and the eastern portion of the subject square which opened a driveway out to Maryland Avenue, adequate light and air will be provided.

22. Advisory Neighborhood Commission 6B, by letter received on October 8, 1982, recommended that the Board grant the application. The ANC noted that the use of the carriage house as a single family dwelling is no less conforming than its present use. The carriage house fronts onto Justice Court, a large open area, and would not cause problems with light and air. The ANC believed that the application could be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. The Board concurs with the findings and recommendation of the ANC.

23. The Stanton Park Neighborhood Association, by letter received on October 7, 1982, did not oppose the application. The Association noted that the block is zoned for R-5-B development, the structure abuts an established court greater than thirty feet in width and a substantial number of the neighboring property owners believe the conversion of the carriage house to a dwelling would be of benefit to the community.

24. There was a petition in support of the application from persons owning and residing in surrounding property.

25. The owner of property at 218 Maryland Avenue, N. E., one of the adjoining condominium units, opposed the application. The opposition argued that the size and location, on a narrow alley, of the carriage house are such that it could not be made into a dwelling which is either decent or safe. The neighborhood does not need any new submarginal dwelling units. The opposition further argued that conversion of a facility, which was designed for off-street parking, to a dwelling unit only exacerbates the dual problem presently suffered by the neighborhood, too great a density of occupancy and inadequate parking. The opposition stated that no reason exists for singling out the applicant to be immune from the reasonable rules which limit property uses, thereby permitting him to exploit and profit from his property in a way which is denied to his neighbors, to his gain and their detriment.

26. As to the issues raised in opposition, the photographs submitted to the record clearly evidence that there is adequate light and air around the carriage house, and that the use of the carriage house for a dwelling would not result in a sub-standard unit. As to the density question, there will be only two units on the entire site, at a density lower than R-4 standards even though the site is zoned R-5-B. As to the parking question, one parking space will be provided on the first floor of the carriage house. As to the basis for the variance, the Board will address that question in the conclusions of law, below.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the existence of the buildings prior to 1958 and the construction of the carriage house using nine foot ceiling heights are an exceptional situation. Strict application of the Regulations would preclude use of the building in a reasonable manner, would prevent the applicant from renovating the building and would pose a practical difficulty for the owner. The density resulting would be less than R-4 standards. Adequate light and air are available.

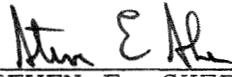
The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially

impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE:5-0 (Douglas J. Patton, Connie Fortune, Maybelle Taylor Bennett, William F. McIntosh and Charles R. Norris to grant.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

FEB 17 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

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